

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*County of Lake v. CVS Health
Corporation, et al.*
Case No. 18-op-45032

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**CVS'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S
SUPPLEMENTAL AND AMENDED ALLEGATIONS TO BE ADDED TO SHORT
FORM FOR SUPPLEMENTING COMPLAINT**

Defendants CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS TN Distribution, L.L.C., CVS Pharmacy, Inc., and Ohio CVS Stores, L.L.C. (collectively, "CVS") hereby answer Plaintiff's Supplemental and Amended Allegations to Be Added to Short Form for Supplementing Complaint ("Complaint") (Doc. 3327)¹ filed in *County of Lake v. CVS Health Corporation*, No. 18-op-45032 (N.D. Ohio).²

PRELIMINARY STATEMENT

The following matters are incorporated by reference into CVS's responses to each paragraph of the Complaint:

¹ Citations to the docket in this Answer refer to the MDL docket, 17-md-2804.

² Pursuant to Section C of the Track Three Case Management Order (Docs. 3325, 3329), CVS and Plaintiff have agreed (1) that CVS will answer the Complaint (Doc. 3327), (2) that CVS will not answer the prior complaints filed by Plaintiff, and (3) that by not answering those prior complaints, CVS does not admit any of the allegations in those complaints or risk default judgment with respect to any claims in those complaints.

A. The Complaint names CVS Health Corporation (“CVS Health”) as a Defendant. On August 31, 2020, the Court granted Plaintiff’s motion to dismiss CVS Health. Accordingly, CVS Health is not responding to the Complaint.

B. The Complaint names Omnicare Distribution Center, L.L.C. (“ODC”) as a Defendant. On August 5, 2020, the Court granted Plaintiff’s motion to sever ODC from Track Three. Accordingly, because it is not a Defendant in Track Three, ODC is not responding to the Complaint at this time.

C. Where allegations are made against “Defendants” as a group, however described, CVS’s responses apply only to themselves.

D. Most of the allegations in the Complaint are not directed at CVS and therefore do not require a response. The responses below are subject to that limitation, regardless of whether expressly stated or not.

E. The Complaint contains purported references to documents and third-party publications and statements that have often been excerpted, paraphrased, characterized, and otherwise taken out of context. These documents and third-party publications and statements should be considered, if at all, in context and in unmodified form, and CVS respectfully refers the Court to the respective materials for their true and complete contents.

F. Except as otherwise expressly stated herein, CVS denies each and every allegation contained in the Complaint, including any allegations contained in the preamble, unnumbered paragraphs, paragraphs, titles, headings, subheadings, table of contents, footnotes, and exhibits, and specifically denies any liability to Plaintiff. To the extent not expressly denied, all allegations for which CVS denies possessing knowledge or information sufficient to form a belief are denied.

G. CVS reserves the right to seek to amend and supplement its Answer as may be appropriate or necessary.

ANSWER

1. CVS denies the allegations in paragraph 1 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1. To the extent any further response is required, CVS denies the allegations.

INTRODUCTION

2. The allegations in paragraph 2 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

3. The allegations in paragraph 3 state legal conclusions and argument to which no response is required. To the extent any further response is required, CVS denies the allegations.

4. While CVS is aware of reports of overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4. To the extent any further response is required, CVS denies the allegations.

5. While CVS is aware of reports of overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5. To the extent any further response is required, CVS denies the allegations.

6. While CVS is aware of reports of overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5. To the extent any further response is required, CVS denies the allegations.

7. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7. To the extent any further response is required, CVS denies the allegations.

8. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8 except to admit, upon information and belief, that Mr. Anderson has made the quoted statement in news reports, and that the President declared the opioid crisis a national public health emergency under federal law on October 26, 2017. To the extent any further response is required, CVS denies the allegations.

9. CVS denies the allegations in paragraph 9 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9. To the extent any further response is required, CVS denies the allegations.

10. CVS denies the allegations in paragraph 10 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10. To the extent any further response is required, CVS denies the allegations.

11. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11. To the extent any further response is required, CVS denies the allegations.

12. While individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12. To the extent any further response is required, CVS denies the allegations.

13. CVS denies the allegations in paragraph 13 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 13, and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

14. CVS denies the allegations in paragraph 14 insofar as alleged against it except to admit that, upon information and belief, a former CDC director has made the quoted statement in news reports. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 14. To the extent any further response is required, CVS denies the allegations.

15. CVS denies the allegations in paragraph 15 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 15. To the extent any further response is required, CVS denies the allegations.

16. CVS denies the allegations in paragraph 16 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 16. To the extent any further response is required, CVS denies the allegations.

17. CVS denies the allegations in paragraph 17 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 17. To the extent any further response is required, CVS denies the allegations.

18. While CVS is aware of reports on opioid overdoses and addiction, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 18. To the extent any further response is required, CVS denies the allegations.

19. CVS denies the allegations in paragraph 19 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19. To the extent any further response is required, CVS denies the allegations.

JURISDICTION AND VENUE

20. The allegations in paragraph 20 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

21. The allegations in paragraph 21 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

22. The allegations in paragraph 22 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

PARTIES

I. PLAINTIFF

23. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 23. To the extent any further response is required, CVS denies the allegations.

II. DEFENDANTS

24. CVS denies the allegations in paragraph 24 except to admit that CVS Health is a Delaware corporation with its principal place of business in Rhode Island.

25. CVS denies the allegations in paragraph 25 except to admit that CVS Indiana, L.L.C. is an Indiana limited liability company with its principal place of business in Rhode Island; CVS Rx Services, Inc. is a New York corporation with its principal place of business in Rhode Island; and CVS TN Distribution, L.L.C. is a Tennessee limited liability company with its principal place of business in Rhode Island.

26. CVS denies the allegations in paragraph 26 except to admit that CVS Pharmacy, Inc. is a Rhode Island corporation with its principal place of business in Rhode Island, is a subsidiary of CVS Health, and is registered to do business in Ohio; Ohio CVS Stores, L.L.C. is an Ohio limited liability company with its principal place of business in Rhode Island and is registered to do business in Ohio; and CVS Pharmacy, Inc. directly or indirectly owns CVS distribution centers that are licensed with DEA to distribute Schedule III, IV, and V controlled substances and directly or indirectly owns CVS Pharmacy retail stores in Ohio that are licensed with DEA to dispense Schedule II, III, IV, and V controlled substances.

27. CVS denies the allegations in paragraph 27.

28. CVS denies the allegations in paragraph 28 except to admit that distribution centers directly or indirectly owned by CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., CVS Indiana, L.L.C., and CVS Rx Services, Inc. are licensed with DEA to distribute Schedule III, IV, and V controlled substances; CVS Pharmacy retail stores owned by Ohio CVS Stores, L.L.C. are licensed with DEA to dispense Schedule II, III, IV, and V controlled substances; distribution centers owned by CVS TN Distribution, L.L.C., CVS Indiana, L.L.C., and CVS Rx Services, Inc. have distributed Schedule III, IV, and V controlled substances into Ohio; and CVS Pharmacy retail stores owned by Ohio CVS Stores, L.L.C. have dispensed Schedule II, III, IV, and V controlled substances in Ohio.

29. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29. To the extent any further response is required, CVS denies the allegations.

30. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 30. To the extent any further response is required, CVS denies the allegations.

31. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 31. To the extent any further response is required, CVS denies the allegations.

32. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 32. To the extent any further response is required, CVS denies the allegations.

33. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 33. To the extent any further response is required, CVS denies the allegations.

34. The allegations in paragraph 34 purport to define Walgreens and thus no response is required. To the extent any further response is required, CVS denies the allegations.

35. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 35. To the extent any further response is required, CVS denies the allegations.

36. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 36. To the extent any further response is required, CVS denies the allegations.

37. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37. To the extent any further response is required, CVS denies the allegations.

38. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 38. To the extent any further response is required, CVS denies the allegations.

39. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 39. To the extent any further response is required, CVS denies the allegations.

40. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40. To the extent any further response is required, CVS denies the allegations.

41. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 41. To the extent any further response is required, CVS denies the allegations.

42. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 42. To the extent any further response is required, CVS denies the allegations.

43. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 43. To the extent any further response is required, CVS denies the allegations.

44. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 44. To the extent any further response is required, CVS denies the allegations.

45. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 45. To the extent any further response is required, CVS denies the allegations.

46. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 46. To the extent any further response is required, CVS denies the allegations.

47. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 47. To the extent any further response is required, CVS denies the allegations.

48. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 48. To the extent any further response is required, CVS denies the allegations.

49. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 49. To the extent any further response is required, CVS denies the allegations.

50. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 50. To the extent any further response is required, CVS denies the allegations.

51. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 51. To the extent any further response is required, CVS denies the allegations.

52. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 52. To the extent any further response is required, CVS denies the allegations.

53. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 53. To the extent any further response is required, CVS denies the allegations.

54. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 54. To the extent any further response is required, CVS denies the allegations.

55. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 55. To the extent any further response is required, CVS denies the allegations.

56. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 56. To the extent any further response is required, CVS denies the allegations.

57. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 57. To the extent any further response is required, CVS denies the allegations.

58. The allegations in paragraph 58 purports to define Chain Pharmacies and thus no response is required. To the extent any further response is required, CVS denies the allegations.

59. CVS denies the allegations in paragraph 59 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 59. To the extent any further response is required, CVS denies the allegations.

60. CVS denies the allegations in paragraph 60 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 60. To the extent any further response is required, CVS denies the allegations.

61. CVS denies the allegations in paragraph 61 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 61. To the extent any further response is required, CVS denies the allegations.

FACTUAL ALLEGATIONS

62. CVS admits opioids are a class of substances that include legal, prescription medication that doctors may prescribe to treat pain. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 62. To the extent any further response is required, CVS denies the allegations.

63. CVS admits opioids are a class of substances that include legal, prescription medication that doctors may prescribe to treat pain. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 63. To the extent any further response is required, CVS denies the allegations.

64. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64. To the extent any further response is required, CVS denies the allegations.

65. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 65. To the extent any further response is required, CVS denies the allegations.

66. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 66. To the extent any further response is required, CVS denies the allegations.

67. CVS admits that certain prescription opioids are classified as Schedule II under the Controlled Substances Act. CVS otherwise lacks knowledge or information sufficient to form a belief about the allegations in Paragraph 67. To the extent any further response is required, CVS denies the allegations.

68. CVS admits that medical professionals may describe the strength of prescription opioids in terms of morphine milligram equivalents (or “MME”). CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 68. To the extent any further response is required, CVS denies the allegations.

69. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 69. To the extent any further response is required, CVS denies the allegations.

70. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 70. To the extent any further response is required, CVS denies the allegations.

71. CVS denies the allegations in paragraph 71 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 71. To the extent any further response is required, CVS denies the allegations.

72. CVS denies the allegations in paragraph 72 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 72. To the extent any further response is required, CVS denies the allegations.

73. CVS denies the allegations in paragraph 73 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 73. To the extent any further response is required, CVS denies the allegations.

74. CVS denies the allegations in paragraph 74 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 74. To the extent any further response is required, CVS denies the allegations.

75. CVS denies the allegations in paragraph 75 insofar as alleged against it except to admit that CVS distribution centers distribute Schedule III, IV, and V controlled substances to CVS Pharmacy retail stores and that CVS Pharmacy retail stores dispense Schedule II, III, IV, and V controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 75. To the extent any further response is required, CVS denies the allegations.

76. CVS denies the allegations in paragraph 76 insofar as alleged against it except to admit that CVS distribution centers distributed hydrocodone combination products when those products were classified as Schedule III under the Controlled Substances Act and that CVS Pharmacy retail stores have dispensed prescription opioids classified as Schedule II and III under the Controlled Substances Act. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 76. To the extent any further response is required, CVS denies the allegations.

77. CVS denies the allegations in paragraph 77 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS distribution centers' distribution of controlled substances and CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 77. To the extent any further response is required, CVS denies the allegations.

78. CVS denies the allegations in paragraph 78 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 78. To the extent any further response is required, CVS denies the allegations.

79. The allegations in paragraph 79 state legal conclusions and argument as to which no response is required. CVS further respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

80. The allegations in paragraph 80 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

81. CVS denies the allegations in paragraph 81 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 81. To the extent any further response is required, CVS denies the allegations.

82. CVS denies the allegations in paragraph 82 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 82. To the extent any further response is required, CVS denies the allegations.

83. CVS denies the allegations in paragraph 83 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 83. To the extent any further response is required, CVS denies the allegations.

84. CVS denies the allegations in paragraph 84 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84. To the extent any further response is required, CVS denies the allegations.

85. CVS denies the allegations in paragraph 85 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85. To the extent any further response is required, CVS denies the allegations.

86. CVS denies the allegations in paragraph 86 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

allegations in paragraph 86. To the extent any further response is required, CVS denies the allegations.

87. The allegations in paragraph 87 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

88. The allegations in paragraph 88 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

89. The allegations in paragraph 89 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

90. The allegations in paragraph 90 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited statutes and regulations for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

91. The allegations in paragraph 91 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited statutes and regulations for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

92. The allegations in paragraph 92 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited regulations for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

93. The allegations in paragraph 93 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited document for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

94. The allegations in paragraph 94 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

95. The allegations in paragraph 95 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

96. The allegations in paragraph 96 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

97. The allegations in paragraph 97 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

98. The allegations in paragraph 98 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited regulation for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

99. The allegations in paragraph 99 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

100. The allegations in paragraph 100 state legal conclusions and argument as to which no response is required and contain references to documents and statements that have been excerpted, paraphrased, characterized, and otherwise taken out of context. These documents and statements should be considered in context and in unmodified form, and CVS respectfully refers the Court to the referenced materials for their complete contents. To the extent any further response is required, CVS denies the allegations.

101. The allegations in paragraph 101 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited case law for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

102. The allegations in paragraph 102 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited case law for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

103. CVS denies the allegations in paragraph 103 except to admit that a pharmacy's ordering history may provide information on the controlled and non-controlled substances that the pharmacy previously has ordered. To the extent any further response is required, CVS denies the allegations.

104. The allegations in paragraph 104 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

105. CVS denies the allegations in paragraph 105 insofar as alleged against it except to aver that the cited document speaks for itself. To the extent that any further response is required, CVS denies the allegations.

106. CVS denies the allegations in paragraph 106 insofar as alleged against it except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

107. The allegations in paragraph 107 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

108. The allegations in paragraph 108 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited case law or documents for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

109. The allegations in paragraph 109 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

110. The allegations in paragraph 110 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

111. The allegations in paragraph 111 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

112. The allegations in paragraph 112 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

113. The allegations in paragraph 113 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

114. The allegations in paragraph 114 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

115. The allegations in paragraph 115 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

116. CVS denies the allegations in paragraph 116 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 116. To the extent any further response is required, CVS denies the allegations.

117. The allegations in paragraph 117 contain references to documents and statements that have been excerpted, paraphrased, characterized, and otherwise taken out of context. These documents and statements should be considered in context and in unmodified form, and CVS respectfully refers the Court to the referenced materials for their complete contents. To the extent any further response is required, CVS denies the allegations.

118. The allegations in paragraph 118 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

119. The allegations in paragraph 119 contain references to documents and statements that have been excerpted, paraphrased, characterized, and otherwise taken out of context. These documents and statements should be considered in context and in unmodified form, and CVS respectfully refers the Court to the referenced materials for their complete contents. To the extent any further response is required, CVS denies the allegations.

120. CVS denies the allegations in paragraph 120 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 120. To the extent any further response is required, CVS denies the allegations.

121. CVS denies the allegations in paragraph 121 insofar as alleged against it except to admit that the National Association of Chain Drug Stores (“NACDS”) is a trade association for retail pharmacies and that a CVS entity is a member of NACDS, has held a seat on the Board of Directors of NACDS, and has served on committees of NACDS. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 121. To the extent any further response is required, CVS denies the allegations.

122. CVS denies the allegations in paragraph 122 except to admit that Healthcare Distribution Alliance (“HDA,” formerly known as Healthcare Distribution Management Association (“HDMA”)) is a trade association whose members are pharmaceutical distributors; that CVS Health acquired in or around 2007 an entity, Caremark Rx Inc., that was an affiliate member of HDA; and that a subsidiary of CVS Health for a period thereafter maintained that affiliate membership in HDA.

123. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 123 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

124. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 124 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

125. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 125 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

126. CVS denies the allegations in paragraph 126 except to admit that HDA and NACDS submitted an amicus brief in the *Masters Pharmaceutical* case and to refer the Court to the amicus brief for its true and correct contents. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 126. To the extent any further response is required, CVS denies the allegations.

127. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 127 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

128. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 128 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

129. CVS denies the allegations in paragraph 129 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

allegations in paragraph 129. To the extent any further response is required, CVS denies the allegations.

130. CVS admits that the DEA launched the “Distributor Initiative” in or around 2005 but otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations concerning the “Distributor Initiative.” The remaining allegations in paragraph 130 state legal conclusions to which no response is required. To the extent any further response is required, CVS denies the allegations.

131. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 131. To the extent any further response is required, CVS denies the allegations.

132. CVS admits that the DEA has hosted Pharmacy Diversion Awareness Conferences. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 132. To the extent any further response is required, CVS denies the allegations.

133. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 133 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

134. CVS denies the allegations in paragraph 134 except to admit that the DEA sent a September 27, 2006 letter to certain registrants that contained the quoted language. CVS denies Plaintiff’s characterization of this letter, and respectfully refers the Court to the letter, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

135. CVS denies the allegations in paragraph 135 except to admit that the DEA sent a September 27, 2006 letter to certain registrants that contained the quoted language. CVS denies

Plaintiff's characterization of this letter and respectfully refers the Court to the letter, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

136. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 136 except to admit that DEA sent a December 27, 2007 letter to certain registrants that contained the quoted language. CVS respectfully refers the Court to the letter, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

137. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 137. To the extent any further response is required, CVS denies the allegations.

138. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 138 except to aver that the referenced settlement agreements speak for themselves. To the extent any further response is required, CVS denies the allegations.

139. The allegations in paragraph 139 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited case law and administrative decisions for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

140. The allegations in paragraph 140 state legal conclusions and argument as to which no response is required, and CVS respectfully refers the Court to the cited regulation and case law for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

141. The allegations in paragraph 141 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

142. The allegations in paragraph 142 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

143. CVS denies the allegations in paragraph 143 insofar as alleged against it except to admit that representatives from CVS and the DEA met on December 8, 2010, and to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 143. To the extent any further response is required, CVS denies the allegations.

144. CVS denies the allegations in paragraph 144 except to aver that the cited document speaks for itself.

145. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 145. To the extent any further response is required, CVS denies the allegations.

146. The allegations in paragraph 146 simply refer to other allegations that purportedly appear elsewhere in the Complaint, and as such, no response is required. To the extent a response is required, CVS denies the allegations.

147. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 147 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

148. CVS denies the allegations in paragraph 148 insofar as alleged against it except to aver that the referenced document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 146. To the extent any further response is required, CVS denies the allegations.

149. CVS denies the allegations in paragraph 149 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 149. To the extent any further response is required, CVS denies the allegations.

150. CVS denies the allegations in paragraph 150 except to aver that the complete public statements made by CVS speak for themselves and are the best evidence of their contents.

151. The allegations in paragraph 149 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

152. CVS denies the allegations in paragraph 152 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 152. To the extent any further response is required, CVS denies the allegations.

153. CVS denies the allegations in paragraph 153 except to aver that the cited document speaks for itself.

154. CVS denies the allegations in paragraph 154 insofar as alleged against it except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 154. To the extent any further response is required, CVS denies the allegations.

155. CVS admits that it has produced certain dispensing data for Ohio but denies the remaining allegations in paragraph 155 insofar as alleged against it. CVS otherwise lacks

knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 155. To the extent any further response is required, CVS denies the allegations.

156. The allegations in paragraph 156 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

157. CVS denies the allegations in paragraph 157 except to admit that there are currently more than 9,900 CVS Pharmacy retail stores in the United States; that CVS Pharmacy retail stores were supplied with Schedule III hydrocodone combination products by CVS distribution centers and by outside vendors; that CVS distribution centers stopped distributing hydrocodone combination products when they were reclassified as Schedule II under the Controlled Substances Act in October 2014; and that CVS Pharmacy retail stores are supplied with Schedule II prescription opioids by outside vendors.

158. CVS denies the allegations in paragraph 158 except to admit that CVS Pharmacy retail stores have placed orders for Schedule III, IV, and V controlled substances with CVS distribution centers through a computerized ordering system.

159. CVS denies the allegations in paragraph 159.

160. CVS denies the allegations in paragraph 160.

161. CVS denies the allegations in paragraph 161 except to admit that, in 2007, CVS worked with an outside consultant to develop a written standard operating procedure for its distribution centers' handling of controlled substances, and to aver that the referenced documents speak for themselves.

162. CVS denies the allegations in paragraph 162 except to aver that the referenced documents speak for themselves.

163. CVS denies the allegations in paragraph 163 except to aver that the referenced document speaks for itself.

164. CVS denies the allegations in paragraph 164 except to admit that the DEA commenced a routine inspection of CVS's Indianapolis distribution center on August 24, 2010.

165. CVS admits the allegations in paragraph 165.

166. CVS denies the allegations in paragraph 166 except to aver that the cited documents speak for themselves.

167. CVS denies the allegations in paragraph 167 except to aver that the cited document must be considered in context and in unmodified form, and to respectfully refer the Court to the cited document for its true and complete contents.

168. CVS denies the allegations in paragraph 168 except to admit that, in or around 2008, an outside consultant delivered to CVS a set of computer algorithms to identify orders of interest of controlled substances placed with CVS distribution centers.

169. CVS admits the allegations in paragraph 169.

170. CVS denies the allegations in paragraph 170 except to admit that the original set of computer algorithms delivered by the outside consultant pended orders with a score of 0.15 or higher, that the score was adjusted to 0.65 in consultation with the outside consultant, and that the outside consultant performed a "retunement" of the algorithm.

171. CVS denies the allegations in paragraph 171 except to aver that the cited document must be considered in context and in unmodified form, and to respectfully refer the Court to the cited document for its true and complete contents.

172. CVS denies the allegations in paragraph 172.

173. CVS denies the allegations in paragraph 173 except to admit that the computer algorithms delivered to CVS in 2008 flagged orders by drug name and were subsequently revised to flag orders by active ingredient.

174. CVS denies the allegations in paragraph 174 except to aver that the cited documents speak for themselves.

175. CVS denies the allegations in paragraph 175 except to admit that, in 2012, it hired new outside consultants to assist with the development of suspicious order monitoring systems.

176. CVS denies the allegations in paragraph 176 except to aver that the cited document speaks for itself.

177. CVS denies the allegations in paragraph 177 except to admit that CVS implemented a new suspicious order monitoring system in 2014 and stopped distributing hydrocodone combination products by October 6, 2014.

178. CVS denies the allegations in paragraph 178 except to admit that the DEA commenced a routine inspection of CVS's distribution center in Indianapolis, Indiana, in August 2013.

179. CVS denies the allegations in paragraph 179 except to aver that the cited documents speak for themselves.

180. CVS denies the allegations in paragraph 180 except to admit that CVS had a closing meeting with the DEA concerning its inspection of the CVS distribution center in Indianapolis, Indiana in May 2014, and to aver that the cited documents speak for themselves.

181. CVS denies the allegations in paragraph 181 except to aver that the letter of admonition issued by the DEA on December 31, 2015, speaks for itself.

182. CVS denies the allegations in paragraph 182 except to aver that the cited deposition transcript speaks for itself.

183. CVS denies the allegations in paragraph 183.

184. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 184. To the extent any further response is required, CVS denies the allegations.

185. CVS denies the allegations in paragraph 185 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 184. To the extent any further response is required, CVS denies the allegations.

186. CVS denies the allegations in paragraph 186 insofar as alleged against it except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations

187. CVS denies the allegations in paragraph 187 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 187. To the extent any further response is required, CVS denies the allegations.

188. CVS denies the allegations in paragraph 188 except to admit that CVS Pharmacy, Inc. acquired Omnicare, Inc. in 2015 and to aver that the ARCOS data produced by DEA speaks for itself.

189. CVS denies the allegations in paragraph 189 except to admit that Omnicare, Inc. publicly disclosed in 2010 SEC filings the existence of an investigation by the DEA, and that the U.S. Attorney's Office for the Northern District of Ohio announced that it had reached a settlement

with Omnicare, Inc. in 2012, and to aver that the cited documents speak for themselves. CVS denies Plaintiff's characterization of the settlement. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 189. To the extent any further response is required, CVS denies the allegations

190. CVS denies the allegations in paragraph 190 except to admit that Omnicare, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Northern District of Ohio in 2012. CVS denies Plaintiff's characterization of this settlement agreement and respectfully refers the Court to the referenced settlement agreement for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

191. CVS denies the allegations in paragraph 191 except to admit that Omnicare, Inc. entered into a settlement agreement with the U.S. Attorney's Offices for the Central District of California, the Eastern District of California, the District of Colorado, the District of Oregon, and the District of Utah in May 2020. CVS denies Plaintiff's characterization of this settlement agreement, and respectfully refers the Court to the referenced settlement agreement for its true and correct contents. To the extent any further response is required, CVS denies the allegations.

177*. CVS denies the allegations in paragraph 177* except to aver that the cited press release speaks for itself.³

192. CVS denies the allegations in paragraph 192 except to aver that the ARCOS data produced by DEA speaks for itself.

193. CVS denies the allegations in paragraph 193.

³ In the Complaint, Paragraph 189 is followed by a second paragraph numbered 177. For ease of reference, this Answer numbers the paragraphs as they are numbered in the Complaint but marks duplicate paragraph numbers with an asterisk, *i.e.*, Paragraph 177*.

194. The allegations in paragraph 194 state legal conclusions and argument as to which no response is required. To the extent any further response is required, CVS denies the allegations.

195. CVS denies the allegations in paragraph 195.

196. CVS denies the allegations in paragraph 196 except to aver that the ARCOS data produced by DEA speaks for itself.

197. CVS denies the allegations in paragraph 197.

198. CVS denies the allegations in paragraph 198.

199. CVS denies the allegations in paragraph 199.

200. CVS denies the allegations in paragraph 200.

201. CVS denies the allegations in paragraph 201.

202. CVS denies the allegations in paragraph 202.

203. CVS denies the allegations in paragraph 203 except to aver that the cited document speaks for itself.

204. CVS denies the allegations in paragraph 204 except to admit that certain CVS entities possessed or had access to certain data concerning CVS Pharmacy retail stores' dispensing of controlled substances.

205. CVS denies the allegations in paragraph 205 except to admit that there are currently more than 9,900 CVS Pharmacy retail stores in the United States and that those CVS Pharmacy retail stores dispense Schedule II, III, IV, and V controlled substances.

206. CVS denies the allegations in paragraph 206 except to admit that, pursuant to DEA procedures, the DEA registrations of CVS Pharmacy retail stores are renewed on a chain-wide basis and that, in November 2013, a fee of \$5,553,407 (determined in accordance with the

applicable DEA fee schedule) was paid to renew the DEA registrations of 7,597 CVS Pharmacy retail stores for a three-year period.

207. CVS denies the allegations in paragraph 207 except to admit that, through September 2014, CVS Pharmacy retail stores were supplied with Schedule III hydrocodone combination products by CVS distribution centers and by outside vendors, and that CVS Pharmacy retail stores are supplied with Schedule II prescription opioids by outside vendors.

208. CVS denies the allegations in paragraph 208 except to admit that a system was put in place to monitor for suspicious orders of controlled substances that CVS Pharmacy retail stores placed with CVS distribution centers.

209. CVS denies the allegations in paragraph 209.

210. CVS denies the allegations in paragraph 210.

211. CVS denies the allegations in paragraph 211.

212. CVS denies the allegations in paragraph 212 except to aver that the cited ruling speaks for itself.

213. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 213. To the extent any further response is required, CVS denies the allegations.

214. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 214. To the extent any further response is required, CVS denies the allegations.

215. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 215. To the extent any further response is required, CVS denies the allegations.

216. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 216. To the extent any further response is required, CVS denies the allegations.

217. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 217. To the extent any further response is required, CVS denies the allegations.

218. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 218. To the extent any further response is required, CVS denies the allegations.

219. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 219. To the extent any further response is required, CVS denies the allegations.

220. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 220. To the extent any further response is required, CVS denies the allegations.

221. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 221. To the extent any further response is required, CVS denies the allegations.

222. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 222. To the extent any further response is required, CVS denies the allegations.

223. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 223. To the extent any further response is required, CVS denies the allegations.

224. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 224. To the extent any further response is required, CVS denies the allegations.

225. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 225. To the extent any further response is required, CVS denies the allegations.

226. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 226. To the extent any further response is required, CVS denies the allegations.

227. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 227. To the extent any further response is required, CVS denies the allegations.

228. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 228. To the extent any further response is required, CVS denies the allegations.

229. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 229. To the extent any further response is required, CVS denies the allegations.

230. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 230. To the extent any further response is required, CVS denies the allegations.

231. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 231. To the extent any further response is required, CVS denies the allegations.

232. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 232. To the extent any further response is required, CVS denies the allegations.

233. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 233. To the extent any further response is required, CVS denies the allegations.

234. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 234. To the extent any further response is required, CVS denies the allegations.

235. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 235. To the extent any further response is required, CVS denies the allegations.

236. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 236. To the extent any further response is required, CVS denies the allegations.

237. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 237. To the extent any further response is required, CVS denies the allegations.

238. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 238. To the extent any further response is required, CVS denies the allegations.

239. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 239. To the extent any further response is required, CVS denies the allegations.

240. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 240. To the extent any further response is required, CVS denies the allegations.

241. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 241. To the extent any further response is required, CVS denies the allegations.

242. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 242. To the extent any further response is required, CVS denies the allegations.

243. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 243. To the extent any further response is required, CVS denies the allegations.

244. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 244. To the extent any further response is required, CVS denies the allegations.

245. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 245. To the extent any further response is required, CVS denies the allegations.

246. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 246. To the extent any further response is required, CVS denies the allegations.

247. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 247. To the extent any further response is required, CVS denies the allegations.

248. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 248. To the extent any further response is required, CVS denies the allegations.

249. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 249. To the extent any further response is required, CVS denies the allegations.

250. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 250. To the extent any further response is required, CVS denies the allegations.

251. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 251. To the extent any further response is required, CVS denies the allegations.

252. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 252. To the extent any further response is required, CVS denies the allegations.

253. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 253. To the extent any further response is required, CVS denies the allegations.

254. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 254. To the extent any further response is required, CVS denies the allegations.

255. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 255. To the extent any further response is required, CVS denies the allegations.

256. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 256. To the extent any further response is required, CVS denies the allegations.

257. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 257. To the extent any further response is required, CVS denies the allegations.

258. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 258. To the extent any further response is required, CVS denies the allegations.

259. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 259. To the extent any further response is required, CVS denies the allegations.

260. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 260. To the extent any further response is required, CVS denies the allegations.

261. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 261. To the extent any further response is required, CVS denies the allegations.

262. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 262. To the extent any further response is required, CVS denies the allegations.

263. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 263. To the extent any further response is required, CVS denies the allegations.

264. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 264. To the extent any further response is required, CVS denies the allegations.

265. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 265. To the extent any further response is required, CVS denies the allegations.

266. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 266. To the extent any further response is required, CVS denies the allegations.

267. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 267. To the extent any further response is required, CVS denies the allegations.

268. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 268. To the extent any further response is required, CVS denies the allegations.

269. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 269. To the extent any further response is required, CVS denies the allegations.

270. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 270. To the extent any further response is required, CVS denies the allegations.

271. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 271. To the extent any further response is required, CVS denies the allegations.

272. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 272. To the extent any further response is required, CVS denies the allegations.

273. CVS denies the allegations in paragraph 273 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 273. To the extent any further response is required, CVS denies the allegations.

274. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 274. To the extent any further response is required, CVS denies the allegations.

275. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 275. To the extent any further response is required, CVS denies the allegations.

276. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 276. To the extent any further response is required, CVS denies the allegations.

277. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 277. To the extent any further response is required, CVS denies the allegations.

278. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 278. To the extent any further response is required, CVS denies the allegations.

279. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 279. To the extent any further response is required, CVS denies the allegations.

280. CVS denies the allegations in paragraph 280 insofar as alleged against it except to aver that the ARCOS data produced by DEA speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 280. To the extent any further response is required, CVS denies the allegations.

281. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 281. To the extent any further response is required, CVS denies the allegations.

282. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 282. To the extent any further response is required, CVS denies the allegations.

283. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 283. To the extent any further response is required, CVS denies the allegations.

284. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 284. To the extent any further response is required, CVS denies the allegations.

285. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 285. To the extent any further response is required, CVS denies the allegations.

286. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 286. To the extent any further response is required, CVS denies the allegations.

287. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 287. To the extent any further response is required, CVS denies the allegations.

288. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 288. To the extent any further response is required, CVS denies the allegations.

289. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 289. To the extent any further response is required, CVS denies the allegations.

290. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 290. To the extent any further response is required, CVS denies the allegations.

291. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 291. To the extent any further response is required, CVS denies the allegations.

292. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 292. To the extent any further response is required, CVS denies the allegations.

293. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 293. To the extent any further response is required, CVS denies the allegations.

294. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 294. To the extent any further response is required, CVS denies the allegations.

295. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 295. To the extent any further response is required, CVS denies the allegations.

296. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 296. To the extent any further response is required, CVS denies the allegations.

297. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 297. To the extent any further response is required, CVS denies the allegations.

298. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 298. To the extent any further response is required, CVS denies the allegations.

299. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 299. To the extent any further response is required, CVS denies the allegations.

300. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 300. To the extent any further response is required, CVS denies the allegations.

301. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 301. To the extent any further response is required, CVS denies the allegations.

302. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 302. To the extent any further response is required, CVS denies the allegations.

303. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 303. To the extent any further response is required, CVS denies the allegations.

304. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 304. To the extent any further response is required, CVS denies the allegations.

305. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 305. To the extent any further response is required, CVS denies the allegations.

306. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 306. To the extent any further response is required, CVS denies the allegations.

307. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 307. To the extent any further response is required, CVS denies the allegations.

308. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 308. To the extent any further response is required, CVS denies the allegations.

309. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 309. To the extent any further response is required, CVS denies the allegations.

310. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 310. To the extent any further response is required, CVS denies the allegations.

311. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 311. To the extent any further response is required, CVS denies the allegations.

312. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 312. To the extent any further response is required, CVS denies the allegations.

313. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 313. To the extent any further response is required, CVS denies the allegations.

314. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 314. To the extent any further response is required, CVS denies the allegations.

315. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 315. To the extent any further response is required, CVS denies the allegations.

316. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 316. To the extent any further response is required, CVS denies the allegations.

317. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 317. To the extent any further response is required, CVS denies the allegations.

318. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 318. To the extent any further response is required, CVS denies the allegations.

319. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 319. To the extent any further response is required, CVS denies the allegations.

320. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 320. To the extent any further response is required, CVS denies the allegations.

321. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 321. To the extent any further response is required, CVS denies the allegations.

322. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 322. To the extent any further response is required, CVS denies the allegations.

323. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 323. To the extent any further response is required, CVS denies the allegations.

324. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 324. To the extent any further response is required, CVS denies the allegations.

325. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 325. To the extent any further response is required, CVS denies the allegations.

326. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 326. To the extent any further response is required, CVS denies the allegations.

327. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 327. To the extent any further response is required, CVS denies the allegations.

328. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 328. To the extent any further response is required, CVS denies the allegations.

329. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 329. To the extent any further response is required, CVS denies the allegations.

330. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 330. To the extent any further response is required, CVS denies the allegations.

331. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 331. To the extent any further response is required, CVS denies the allegations.

332. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 332. To the extent any further response is required, CVS denies the allegations.

333. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 333. To the extent any further response is required, CVS denies the allegations.

334. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 334. To the extent any further response is required, CVS denies the allegations.

335. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 335. To the extent any further response is required, CVS denies the allegations.

336. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 336. To the extent any further response is required, CVS denies the allegations.

337. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 337. To the extent any further response is required, CVS denies the allegations.

338. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 338. To the extent any further response is required, CVS denies the allegations.

339. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 339. To the extent any further response is required, CVS denies the allegations.

340. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 340. To the extent any further response is required, CVS denies the allegations.

341. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 341. To the extent any further response is required, CVS denies the allegations.

342. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 342. To the extent any further response is required, CVS denies the allegations.

343. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 343. To the extent any further response is required, CVS denies the allegations.

344. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 344. To the extent any further response is required, CVS denies the allegations.

345. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 345. To the extent any further response is required, CVS denies the allegations.

346. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 346. To the extent any further response is required, CVS denies the allegations.

347. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 347. To the extent any further response is required, CVS denies the allegations.

348. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 348. To the extent any further response is required, CVS denies the allegations.

349. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 349. To the extent any further response is required, CVS denies the allegations.

350. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 350. To the extent any further response is required, CVS denies the allegations.

351. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 351. To the extent any further response is required, CVS denies the allegations.

352. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 352. To the extent any further response is required, CVS denies the allegations.

353. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 353. To the extent any further response is required, CVS denies the allegations.

354. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 354. To the extent any further response is required, CVS denies the allegations.

355. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 355. To the extent any further response is required, CVS denies the allegations.

356. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 356. To the extent any further response is required, CVS denies the allegations.

357. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 357. To the extent any further response is required, CVS denies the allegations.

358. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 358. To the extent any further response is required, CVS denies the allegations.

359. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 359. To the extent any further response is required, CVS denies the allegations.

360. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 360. To the extent any further response is required, CVS denies the allegations.

361. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 361. To the extent any further response is required, CVS denies the allegations.

362. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 362. To the extent any further response is required, CVS denies the allegations.

363. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 363. To the extent any further response is required, CVS denies the allegations.

364. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 364. To the extent any further response is required, CVS denies the allegations.

365. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 365. To the extent any further response is required, CVS denies the allegations.

366. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 366. To the extent any further response is required, CVS denies the allegations.

367. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 367. To the extent any further response is required, CVS denies the allegations.

368. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 368. To the extent any further response is required, CVS denies the allegations.

369. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 369. To the extent any further response is required, CVS denies the allegations.

370. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 370. To the extent any further response is required, CVS denies the allegations.

371. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 371. To the extent any further response is required, CVS denies the allegations.

372. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 372. To the extent any further response is required, CVS denies the allegations.

373. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 373. To the extent any further response is required, CVS denies the allegations.

374. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 374. To the extent any further response is required, CVS denies the allegations.

375. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 375. To the extent any further response is required, CVS denies the allegations.

376. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 376. To the extent any further response is required, CVS denies the allegations.

377. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 377. To the extent any further response is required, CVS denies the allegations.

378. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 378. To the extent any further response is required, CVS denies the allegations.

379. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 379. To the extent any further response is required, CVS denies the allegations.

380. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 380. To the extent any further response is required, CVS denies the allegations.

381. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 381. To the extent any further response is required, CVS denies the allegations.

382. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 382. To the extent any further response is required, CVS denies the allegations.

383. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 383. To the extent any further response is required, CVS denies the allegations.

384. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 384. To the extent any further response is required, CVS denies the allegations.

385. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 385. To the extent any further response is required, CVS denies the allegations.

386. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 386. To the extent any further response is required, CVS denies the allegations.

387. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 387. To the extent any further response is required, CVS denies the allegations.

388. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 388. To the extent any further response is required, CVS denies the allegations.

389. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 389. To the extent any further response is required, CVS denies the allegations.

390. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 390. To the extent any further response is required, CVS denies the allegations.

391. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 391. To the extent any further response is required, CVS denies the allegations.

392. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 392. To the extent any further response is required, CVS denies the allegations.

393. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 393. To the extent any further response is required, CVS denies the allegations.

394. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 394. To the extent any further response is required, CVS denies the allegations.

395. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 395. To the extent any further response is required, CVS denies the allegations.

396. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 396. To the extent any further response is required, CVS denies the allegations.

397. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 397. To the extent any further response is required, CVS denies the allegations.

398. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 398. To the extent any further response is required, CVS denies the allegations.

399. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 399. To the extent any further response is required, CVS denies the allegations.

400. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 400. To the extent any further response is required, CVS denies the allegations.

401. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 401. To the extent any further response is required, CVS denies the allegations.

402. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 402. To the extent any further response is required, CVS denies the allegations.

403. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 403. To the extent any further response is required, CVS denies the allegations.

404. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 404. To the extent any further response is required, CVS denies the allegations.

405. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 405. To the extent any further response is required, CVS denies the allegations.

406. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 406. To the extent any further response is required, CVS denies the allegations.

407. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 407. To the extent any further response is required, CVS denies the allegations.

408. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 408. To the extent any further response is required, CVS denies the allegations.

409. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 409. To the extent any further response is required, CVS denies the allegations.

410. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 410. To the extent any further response is required, CVS denies the allegations.

411. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 411. To the extent any further response is required, CVS denies the allegations.

412. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 412. To the extent any further response is required, CVS denies the allegations.

413. CVS denies the allegations in paragraph 413 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 413. To the extent any further response is required, CVS denies the allegations.

414. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 414. To the extent any further response is required, CVS denies the allegations.

415. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 415. To the extent any further response is required, CVS denies the allegations.

416. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 416. To the extent any further response is required, CVS denies the allegations.

417. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 417. To the extent any further response is required, CVS denies the allegations.

418. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 418. To the extent any further response is required, CVS denies the allegations.

419. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 419. To the extent any further response is required, CVS denies the allegations.

420. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 420. To the extent any further response is required, CVS denies the allegations.

421. CVS denies the allegations in paragraph 421.

422. CVS denies the allegations in paragraph 422 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 422. To the extent any further response is required, CVS denies the allegations.

423. CVS denies the allegations in paragraph 423 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 423. To the extent any further response is required, CVS denies the allegations.

424. CVS denies the allegations in paragraph 424 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 424. To the extent any further response is required, CVS denies the allegations.

425. CVS denies the allegations in paragraph 425 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 425. To the extent any further response is required, CVS denies the allegations.

426. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 426 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

427. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 427 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

428. CVS denies the allegations in paragraph 428 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 428. To the extent any further response is required, CVS denies the allegations.

429. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 429 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

430. CVS denies the allegations in paragraph 430 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 430. To the extent any further response is required, CVS denies the allegations.

431. CVS denies the allegations in paragraph 431 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 431. To the extent any further response is required, CVS denies the allegations.

432. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 432 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

433. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 433 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

434. CVS denies the allegations in paragraph 434 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 434. To the extent any further response is required, CVS denies the allegations.

435. CVS denies the allegations in paragraph 435 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 435. To the extent any further response is required, CVS denies the allegations.

436. CVS denies the allegations in paragraph 436 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 436. To the extent any further response is required, CVS denies the allegations.

437. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 437. To the extent any further response is required, CVS denies the allegations.

438. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 438. To the extent the allegations in paragraph 438 also state legal

conclusions and argument, no response is required. To the extent any further response is required, CVS denies the allegations.

439. CVS denies the allegations in paragraph 439 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 439 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

440. CVS denies the allegations in paragraph 440.

441. CVS denies the allegations in paragraph 441 except to admit that the Alliance to Prevent the Abuse of Medicines (“APAM”) was founded in 2013, that a CVS entity was a member of APAM, and that APAM’s members have included the American Medical Association, Cardinal Health, HDA, Prime Therapeutics, and Teva Pharmaceuticals. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 441. To the extent any further response is required, CVS denies the allegations.

442. CVS denies the allegations in paragraph 442 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 442. To the extent any further response is required, CVS denies the allegations.

443. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 443. To the extent any further response is required, CVS denies the allegations.

444. CVS denies the allegations in paragraph 444 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

remaining allegations in paragraph 444 except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

445. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 445. To the extent any further response is required, CVS denies the allegations.

446. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 446. To the extent any further response is required, CVS denies the allegations.

447. CVS denies the allegations in paragraph 447 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 447. To the extent any further response is required, CVS denies the allegations.

448. CVS denies the allegations in paragraph 448 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 448. To the extent any further response is required, CVS denies the allegations.

449. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 449. To the extent any further response is required, CVS denies the allegations.

450. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 450. To the extent any further response is required, CVS denies the allegations.

451. CVS denies the allegations in paragraph 451 except to aver that the cited website speaks for itself and to admit that Red Oak Sourcing, LLC (“Red Oak”) was formed in July 2014; that a CVS entity and a Cardinal Health entity each own a 50% interest in Red Oak; that Red Oak has an initial term of ten years; that the CVS entity and the Cardinal Health entity contributed sourcing and supply chain expertise to Red Oak and agreed to source and negotiate generic pharmaceutical supply contracts for both companies through Red Oak; that Red Oak does not own or hold inventory on behalf of either company; that no physical assets (e.g., property and equipment) were contributed to Red Oak by either company; and that the Cardinal Health entity has been required to pay the CVS entity certain quarterly payments since October 2014, and that, as milestones are met, the quarterly payments increase. To the extent any further response is required, CVS denies the allegations.

452. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 452. To the extent any further response is required, CVS denies the allegations.

453. CVS denies the allegations in paragraph 453 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 453. To the extent any further response is required, CVS denies the allegations.

454. CVS denies the allegations in paragraph 454 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 454. To the extent any further response is required, CVS denies the allegations.

455. CVS denies the allegations in paragraph 455.

456. CVS denies the allegations in paragraph 456 except to aver that the cited document speaks for itself.

457. CVS denies the allegations in paragraph 457 except to aver that the cited document speaks for itself.

458. CVS denies the allegations in paragraph 458.

459. CVS denies the allegations in paragraph 459.

460. CVS denies the allegations in paragraph 460 except to aver that the cited document speaks for itself.

461. CVS denies the allegations in paragraph 461.

462. CVS denies the allegations in paragraph 462 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 462. To the extent any further response is required, CVS denies the allegations.

463. CVS denies the allegations in paragraph 463 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 463. To the extent any further response is required, CVS denies the allegations.

464. CVS denies the allegations in paragraph 464.

465. CVS denies the allegations in paragraph 465 except to aver that the cited document speaks for itself.

466. CVS denies the allegations in paragraph 466 except to aver that the cited document speaks for itself.

467. CVS denies the allegations in paragraph 467 except to aver that the cited document speaks for itself.

468. CVS denies the allegations in paragraph 468 except to aver that the cited document speaks for itself.

469. CVS denies the allegations in paragraph 469 except to aver that the cited document speaks for itself.

470. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 470. To the extent any further response is required, CVS denies the allegations.

471. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 471. To the extent any further response is required, CVS denies the allegations.

472. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 472. To the extent any further response is required, CVS denies the allegations.

473. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 473. To the extent any further response is required, CVS denies the allegations.

474. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 474. To the extent any further response is required, CVS denies the allegations.

475. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 475. To the extent any further response is required, CVS denies the allegations.

476. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 476. To the extent any further response is required, CVS denies the allegations.

477. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 477. To the extent any further response is required, CVS denies the allegations.

478. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 478. To the extent any further response is required, CVS denies the allegations.

479. CVS denies the allegations in paragraph 479 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 479. To the extent any further response is required, CVS denies the allegations.

480. CVS denies the allegations in paragraph 480 insofar as alleged against it except to admit that CVS entities have collaborated with various stakeholders, including law enforcement, to address prescription drug abuse. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 480. To the extent any further response is required, CVS denies the allegations.

481. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 481. To the extent any further response is required, CVS denies the allegations.

482. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 482. To the extent any further response is required, CVS denies the allegations.

483. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 483. To the extent any further response is required, CVS denies the allegations.

484. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 484. To the extent any further response is required, CVS denies the allegations.

485. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 485. To the extent any further response is required, CVS denies the allegations.

486. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 486. To the extent any further response is required, CVS denies the allegations.

487. CVS denies the allegations in paragraph 487 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 487. To the extent any further response is required, CVS denies the allegations.

488. CVS denies the allegations in paragraph 488 insofar as alleged against it except to aver that the cited document speaks for itself. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 488. To the extent any further response is required, CVS denies the allegations.

489. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 489. To the extent any further response is required, CVS denies the allegations.

490. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 490. To the extent any further response is required, CVS denies the allegations.

491. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 491. To the extent any further response is required, CVS denies the allegations.

492. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 492. To the extent any further response is required, CVS denies the allegations.

251*. CVS denies the allegations in paragraph 251* insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 251* except to aver that the cited document speaks for itself. To the extent any further response is required, CVS denies the allegations.

493. CVS denies the allegations in paragraph 493 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

remaining allegations in paragraph 493. To the extent any further response is required, CVS denies the allegations.

494. CVS denies the allegations in paragraph 494 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 494. To the extent any further response is required, CVS denies the allegations.

495. CVS denies the allegations in paragraph 495 insofar as alleged against it except to admit that certain CVS entities have entered into settlement agreements with regulators relating to opioids. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 495. To the extent any further response is required, CVS denies the allegations.

496. CVS denies the allegations in paragraph 496 except to admit that CVS Health disclosed in public filings that it had yearly net revenue of more than \$150 billion between 2015 and 2017, and that there are currently more than 9,900 CVS Pharmacy retail stores in the United States.

497. CVS denies the allegations in paragraph 497 except to admit that certain CVS entities have entered into various settlement agreements with the DEA and the United States Department of Justice. CVS otherwise denies Plaintiff's characterization of the settlements and denies the remaining allegations in paragraph 497.

498. CVS denies the allegations in paragraph 498 except to admit that Omnicare, Inc. entered into a settlement agreement with the U.S. Attorney's Offices for the Central District of California, the Eastern District of California, the District of Colorado, the District of Oregon and the District of Utah in May 2020. CVS denies Plaintiff's characterization of this settlement

agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

499. CVS denies the allegations in paragraph 499 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the District of Rhode Island in March 2019. CVS respectfully refers the Court to the referenced settlement agreement and press release, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

500. CVS denies the allegations in paragraph 500 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Northern District of Alabama in August 2018. CVS otherwise denies Plaintiff's characterization of this settlement agreement and respectfully refers the Court to the settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

501. CVS denies the allegations in paragraph 501 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Eastern District of New York in June 2018. CVS otherwise denies Plaintiff's characterization of the settlement and respectfully refers the Court to the settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

502. CVS denies the allegations in paragraph 502 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Eastern District of California in July 2017. CVS otherwise denies Plaintiff's characterization of the settlement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

503. CVS denies the allegations in paragraph 503 except to admit that certain CVS entities have entered into various settlement agreements with the DEA and the United States Department of Justice. CVS otherwise denies Plaintiff's characterization of the settlement agreements and respectfully refers the Court to the referenced settlement agreements, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

504. CVS denies the allegations in paragraph 504 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the District of Maryland in February 2016. CVS otherwise denies Plaintiff's characterization of the settlement agreement and respectfully refers the Court to the settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

505. CVS denies the allegations in paragraph 505 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the District of Connecticut in October 2016. CVS otherwise denies Plaintiff's characterization of the settlement agreement and respectfully refers the Court to the settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

506. CVS denies the allegations in paragraph 506 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the Massachusetts Attorney General in or around September 2016. CVS otherwise denies Plaintiff's characterization of the referenced settlement agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

507. CVS denies the allegations in paragraph 507 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the United States Department of Justice and its Drug Enforcement Administration for the New England Field Division in June 2016. CVS otherwise

denies Plaintiff's characterization of the referenced settlement agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

508. CVS denies the allegations in paragraph 508 except to admit that CVS Health entered into a settlement agreement with the U.S. Attorney's Office for the District of Rhode Island in August 2015. CVS otherwise denies Plaintiff's characterization of the referenced settlement agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

509. CVS denies the allegations in paragraph 509 except to admit that CVS Health entered into a settlement agreement with the U.S. Attorney's Office for the Middle District of Florida in May 2015. CVS otherwise denies Plaintiff's characterization of the referenced settlement agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

510. CVS denies the allegations in paragraph 510 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Southern District of Texas in September 2014. CVS otherwise denies Plaintiff's characterization of the referenced settlement agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

511. CVS denies the allegations in paragraph 511 except to admit that CVS Pharmacy, Inc. entered into a settlement agreement with the U.S. Attorney's Office for the Western District of Oklahoma in April 2013. CVS otherwise denies Plaintiff's characterization of the referenced settlement agreement and respectfully refers the Court to the referenced settlement agreement, which speaks for itself. To the extent any further response is required, CVS denies the allegations.

512. CVS denies the allegations in paragraph 512.

513. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 513. To the extent any further response is required, CVS denies the allegations.

514. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 514. To the extent any further response is required, CVS denies the allegations.

515. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 515. To the extent any further response is required, CVS denies the allegations.

516. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 516. To the extent any further response is required, CVS denies the allegations.

517. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 517. To the extent any further response is required, CVS denies the allegations.

518. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 518. To the extent any further response is required, CVS denies the allegations.

519. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 519. To the extent any further response is required, CVS denies the allegations.

520. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 520. To the extent any further response is required, CVS denies the allegations.

521. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 521. To the extent any further response is required, CVS denies the allegations.

522. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 522. To the extent any further response is required, CVS denies the allegations.

523. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 523. To the extent any further response is required, CVS denies the allegations.

524. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 524. To the extent any further response is required, CVS denies the allegations.

525. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 525. To the extent any further response is required, CVS denies the allegations.

526. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 526. To the extent any further response is required, CVS denies the allegations.

527. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 527. To the extent any further response is required, CVS denies the allegations.

528. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 528. To the extent any further response is required, CVS denies the allegations.

529. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 529. To the extent any further response is required, CVS denies the allegations.

530. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 530. To the extent any further response is required, CVS denies the allegations.

531. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 531. To the extent any further response is required, CVS denies the allegations.

532. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 532. To the extent any further response is required, CVS denies the allegations.

533. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 533. To the extent any further response is required, CVS denies the allegations.

534. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 534. To the extent any further response is required, CVS denies the allegations.

535. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 535. To the extent any further response is required, CVS denies the allegations.

536. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 536. To the extent any further response is required, CVS denies the allegations.

537. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 537. To the extent any further response is required, CVS denies the allegations.

538. CVS denies the allegations in paragraph 538 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 538. To the extent any further response is required, CVS denies the allegations.

539. CVS denies the allegations in paragraph 539 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 539. To the extent any further response is required, CVS denies the allegations.

540. CVS denies the allegations in paragraph 540 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

remaining allegations in paragraph 540. To the extent any further response is required, CVS denies the allegations.

541. CVS denies the allegations in paragraph 541 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 541. To the extent any further response is required, CVS denies the allegations.

542. CVS denies the allegations in paragraph 542 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 542. To the extent any further response is required, CVS denies the allegations.

543. CVS denies the allegations in paragraph 543 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 543. To the extent any further response is required, CVS denies the allegations.

544. CVS denies the allegations in paragraph 544 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 544. To the extent any further response is required, CVS denies the allegations.

545. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 545. To the extent any further response is required, CVS denies the allegations.

546. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 546. To the extent any further response is required, CVS denies the allegations.

547. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 547. To the extent any further response is required, CVS denies the allegations.

548. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 548. To the extent any further response is required, CVS denies the allegations.

549. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 549. To the extent any further response is required, CVS denies the allegations.

550. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 550. To the extent any further response is required, CVS denies the allegations.

551. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 551. To the extent any further response is required, CVS denies the allegations.

552. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 552. To the extent any further response is required, CVS denies the allegations.

553. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 553. To the extent any further response is required, CVS denies the allegations.

554. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 554. To the extent any further response is required, CVS denies the allegations.

555. CVS denies the allegations in paragraph 555 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 555. To the extent any further response is required, CVS denies the allegations.

556. The allegations in paragraph 556 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

557. The allegations in paragraph 557 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

558. The allegations in paragraph 558 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

559. The allegations in paragraph 559 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

560. The allegations in paragraph 560 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

561. The allegations in paragraph 561 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

562. The allegations in paragraph 562 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

563. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 563. To the extent any further response is required, CVS denies the allegations.

564. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 564 except to aver that the OARRS data maintained by the State of Ohio speaks for itself. To the extent any further response is required, CVS denies the allegations.

565. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 565 except to aver that the ARCOS data produced by DEA speaks for itself. To the extent any further response is required, CVS denies the allegations.

566. CVS denies the allegations in paragraph 566 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 566. To the extent any further response is required, CVS denies the allegations.

567. CVS denies the allegations in paragraph 567 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 567. To the extent any further response is required, CVS denies the allegations.

568. CVS denies the allegations in paragraph 568 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 568 except to aver that the ARCOS data produced by DEA speaks for itself. To the extent any further response is required, CVS denies the allegations.

569. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 569. To the extent any further response is required, CVS denies the allegations.

570. CVS denies the allegations in paragraph 570 insofar as alleged against it. While CVS is aware of reports of overdose rates, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 570. To the extent any further response is required, CVS denies the allegations.

571. CVS denies the allegations in paragraph 571 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 572. To the extent any further response is required, CVS denies the allegations.

572. CVS denies the allegations in paragraph 572 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 573. To the extent any further response is required, CVS denies the allegations.

573. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 573 and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

574. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 574 and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

575. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 575 and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

576. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 576 and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

577. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 577 and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

578. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 578. To the extent any further response is required, CVS denies the allegations.

579. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 579. To the extent any further response is required, CVS denies the allegations.

580. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 581. To the extent any further response is required, CVS denies the allegations.

581. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 581. To the extent any further response is required, CVS denies the allegations.

582. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 582. To the extent any further response is required, CVS denies the allegations.

583. While CVS is aware of reports of overdose rates and that individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 583 and respectfully refers the Court to any cited documents, which speak for themselves. To the extent any further response is required, CVS denies the allegations.

584. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 584. To the extent any further response is required, CVS denies the allegations.

585. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 585. To the extent any further response is required, CVS denies the allegations.

586. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 586. To the extent any further response is required, CVS denies the allegations.

587. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 587. To the extent any further response is required, CVS denies the allegations.

588. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 588. To the extent any further response is required, CVS denies the allegations.

589. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 589. To the extent any further response is required, CVS denies the allegations.

590. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 590. To the extent any further response is required, CVS denies the allegations.

591. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 591. To the extent any further response is required, CVS denies the allegations.

592. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 592. To the extent any further response is required, CVS denies the allegations.

593. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 593. To the extent any further response is required, CVS denies the allegations.

594. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 594. To the extent any further response is required, CVS denies the allegations.

595. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 595. To the extent any further response is required, CVS denies the allegations.

596. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 596. To the extent any further response is required, CVS denies the allegations.

597. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 597. To the extent any further response is required, CVS denies the allegations.

598. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 598. To the extent any further response is required, CVS denies the allegations.

599. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 599. To the extent any further response is required, CVS denies the allegations.

600. CVS denies the allegations in paragraph 600 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 600. To the extent any further response is required, CVS denies the allegations.

601. CVS denies the allegations in paragraph 601 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 601. To the extent any further response is required, CVS denies the allegations.

602. CVS denies the allegations in paragraph 602 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

remaining allegations in paragraph 602. To the extent any further response is required, CVS denies the allegations.

603. CVS denies the allegations in paragraph 603 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 603. To the extent any further response is required, CVS denies the allegations.

604. CVS denies the allegations in paragraph 604 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 604. To the extent any further response is required, CVS denies the allegations.

605. CVS denies the allegations in paragraph 605 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 605. To the extent any further response is required, CVS denies the allegations.

606. CVS denies the allegations in paragraph 606 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 606. To the extent any further response is required, CVS denies the allegations.

607. CVS denies the allegations in paragraph 607 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 607. To the extent any further response is required, CVS denies the allegations.

608. The allegations in paragraph 608 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations in paragraph 608 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 608.

609. The allegations in paragraph 609 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations in paragraph 609 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 609.

610. CVS denies the allegations in paragraph 610 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 610. To the extent any further response is required, CVS denies the allegations.

611. CVS denies the allegations in paragraph 611 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 611. To the extent any further response is required, CVS denies the allegations.

612. CVS denies the allegations in paragraph 612 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 612. To the extent any further response is required, CVS denies the allegations.

613. CVS denies the allegations in paragraph 613 insofar as alleged against it except to admit that the Court ordered the United States Government to produce certain ARCOS data in its April 11, 2018 Order. CVS respectfully refers the Court to the order itself for its true and correct

content. CVS otherwise denies Plaintiff's characterization of the order and denies the remaining allegations in paragraph 613.

614. CVS denies the allegations in paragraph 614 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 614. To the extent any further response is required, CVS denies the allegations.

615. CVS denies the allegations in paragraph 615 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 615. To the extent any further response is required, CVS denies the allegations.

ANSWERING THE ELEVENTH CLAIM FOR RELIEF

616. In response to paragraph 616, CVS repeat and reallege its responses to the allegations within all prior paragraphs within the Complaint as if fully set forth herein.

617. The allegations in paragraph 617 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

618. The allegations in paragraph 618 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

619. The allegations in paragraph 619 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

620. The allegations in paragraph 620 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

621. The allegations in paragraph 621 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

622. The allegations in paragraph 622 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

623. The allegations in paragraph 623 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

624. The allegations in paragraph 624 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

625. The allegations in paragraph 625 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

626. The allegations in paragraph 626 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

627. The allegations in paragraph 627 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

628. The allegations in paragraph 629 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

629. The allegations in paragraph 629 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

630. The allegations in paragraph 630 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

631. The allegations in paragraph 631 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

632. The allegations in paragraph 632 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

633. The allegations in paragraph 633 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

634. The allegations in paragraph 634 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

635. The allegations in paragraph 635 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

636. The allegations in paragraph 636 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

637. The allegations in paragraph 637 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

638. The allegations in paragraph 638 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

639. The allegations in paragraph 639 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

640. The allegations in paragraph 640 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

641. The allegations in paragraph 641 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

642. The allegations in paragraph 642 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

643. The allegations in paragraph 643 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

644. The allegations in paragraph 644 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

645. The allegations in paragraph 645 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

646. The allegations in paragraph 646 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

647. The allegations in paragraph 647 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

648. The allegations in paragraph 648 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

649. The allegations in paragraph 649 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

650. The allegations in paragraph 650 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

651. The allegations in paragraph 651 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

652. The allegations in paragraph 652 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

653. The allegations in paragraph 653 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

654. The allegations in paragraph 654 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

ANSWERING PRAYER FOR RELIEF

655. CVS denies that Plaintiff is entitled to any relief.

AFFIRMATIVE DEFENSES

CVS raise the following affirmative defenses to the Complaint. By designating the following defenses as affirmative defenses, CVS do not concede that it bears the burden of proof and/or the burden of persuasion as to any such defense. CVS reserves the right to (1) rely on any other applicable defenses that may become apparent during fact or expert discovery; (2) rely on any other applicable defenses set forth in any answer or list of affirmative defenses filed or submitted by any other Defendant in this action; and (3) amend this document and/or its answer to assert any such defenses.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted, fails to state facts sufficient to constitute the purported causes of action, and fails to plead a legally cognizable injury.

SECOND DEFENSE

Plaintiff's claims are barred by the applicable statutes of limitation.

THIRD DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

FOURTH DEFENSE

Plaintiff's claims are barred by the applicable statute of repose.

FIFTH DEFENSE

Plaintiff lacks standing to bring all or some of their claims.

SIXTH DEFENSE

Plaintiff's claims are barred by the voluntary payment doctrine.

SEVENTH DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

EIGHTH DEFENSE

Plaintiff's claims are barred by the doctrine of *in pari delicto*.

NINTH DEFENSE

Plaintiff's claims and damages are barred or limited, in whole or in part, by common law, statutory, and state constitutional constraints on the exercise of police powers by a municipality.

TENTH DEFENSE

Plaintiff's claims and damages are barred or limited by the political question and separation of powers doctrines and because its claims implicate issues of statewide importance that are reserved for state regulation.

ELEVENTH DEFENSE

Plaintiff's claims are barred because Plaintiff is not the real party in interest.

TWELFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks capacity to bring its claims.

THIRTEENTH DEFENSE

Plaintiff's claims are barred to the extent CVS have valid defenses which would bar recovery by those persons on whose behalf Plaintiff seeks recovery.

FOURTEENTH DEFENSE

Plaintiff's claims are subject to all defenses that could be asserted if Plaintiff's claims were properly made by individuals on whose behalf Plaintiff seeks to recover.

FIFTEENTH DEFENSE

Plaintiff has failed to comply with the requirement that it identify each patient in whose claim(s) it has a subrogation interest and on whose behalf it has incurred costs.

SIXTEENTH DEFENSE

Plaintiff fails to plead that it reimbursed any prescriptions for any opioid distributed by CVS that harmed patients and should not have been written, or that CVS's allegedly improper conduct caused any health care provider to write any ineffective or harmful opioid prescriptions, or that any specific prescription was unauthorized, medically unnecessary, ineffective, or harmful.

SEVENTEENTH DEFENSE

Plaintiff's claims are barred by the doctrines of estoppel and/or waiver.

EIGHTEENTH DEFENSE

Plaintiff's claims against CVS do not arise from the same transactions or occurrences as its claims against other defendants, as required for joinder of parties.

NINETEENTH DEFENSE

Plaintiff failed to join all necessary parties, including without limitation prescribers, patients, and other third parties whom Plaintiff alleged engaged in the unauthorized, improper or illicit prescription, dispensing, diversion, or use of opioids.

TWENTIETH DEFENSE

CVS denies all types of causation, including without limitation cause in fact, proximate cause, and producing cause, as to the claims asserted against CVS.

TWENTY-FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of superseding and intervening causation.

TWENTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, because CVS has no legal duty to protect Plaintiff from the intentional criminal acts of third persons. Such criminal acts are superseding causes that extinguish any liability.

TWENTY-THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were due to illicit use or abuse of medications.

TWENTY-FOURTH DEFENSE

Plaintiff's claims are barred to the extent their alleged injuries and damages were caused or contributed to by the negligence or conduct of Plaintiff and/or third parties over whom CVS had no control and for whom it is not responsible.

TWENTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because the derivative injury rule and the remoteness doctrine bar Plaintiff from recovering payments that it allegedly made on behalf of its residents to reimburse any expenses for health care, pharmaceutical care, and other public services.

TWENTY-SIXTH DEFENSE

Plaintiff's claims are barred because Plaintiff suffered no injuries or damages as a result of any action by CVS.

TWENTY-SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were caused by unforeseeable or uncontrollable forces over which CVS had no control, including without limitation pre-existing medical conditions.

TWENTY-EIGHTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were caused by the misuse of the medications involved, by failure to use the medications properly, and/or by the alteration, modification, or criminal misuse of medications prescribed by third parties over whom CVS had no control.

TWENTY-NINTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because neither the users of the subject prescription medications nor their prescribers relied to their detriment upon any statement by CVS in determining to use or prescribe the subject prescription medications.

THIRTIETH DEFENSE

Any injuries and/or damages sustained by Plaintiff were caused, in whole or part, by its own failure to effectively enforce the law and prosecute violations thereof and any recovery by Plaintiff is barred or, alternatively, should be diminished according to its own fault.

THIRTY-FIRST DEFENSE

Any recovery by Plaintiff is barred or limited by the principle of comparative or contributory fault.

THIRTY-SECOND DEFENSE

Any recovery by Plaintiff may be barred or limited by the principles of informed consent and assumption of the risk, whether primary, express, or implied.

THIRTY-THIRD DEFENSE

CVS assert its right to a proportionate reduction, based on the negligence or other conduct of any settling tortfeasor, responsible third party, or Plaintiff, of any damages found against CVS.

THIRTY-FOURTH DEFENSE

Plaintiff's claims are barred to the extent its alleged damages are speculative, uncertain, or hypothetical.

THIRTY-FIFTH DEFENSE

In the event of liability against CVS (which liability is specifically denied), a specific percentage of the tortious conduct that proximately caused Plaintiff's injury or loss is attributable to (1) Plaintiff; (2) other parties from whom Plaintiff seeks recovery; and (3) persons from whom Plaintiff does not seek recovery in this action, including but not limited to prescribers of opioids, their associates, and employers, including hospitals; non-party manufacturers of prescription

opioids; non-party distributors of prescription opioids; non-CVS pharmacies and pharmacists employed or formerly employed at those pharmacies; individuals and entities involved in the distribution and/or sale of illegal opioids; individuals involved in procuring diverted prescription opioids and/or illegal drugs; delivery services; federal, state, and local government entities; and any other person identified by Plaintiff or any other defendant as a non-party whose tortious conduct proximately caused Plaintiff's injury or loss. Ohio Revised Code §§ 2307.22-.23; *id.* §§ 2315.32-.35.

THIRTY-SIXTH DEFENSE

In the event of liability against CVS (which liability is specifically denied), the facts will show that it caused fifty percent or less of the conduct that proximately caused Plaintiff's alleged injuries or loss, and CVS is therefore liable only for their proportionate share of damages that represent economic loss. *See* Ohio Revised Code §§ 2307.22-.23. Any recovery by Plaintiff must be reduced pursuant to Ohio Rev. Code §§ 2315.32-35 and 2307.23 to account for the acts or omissions attributable to Plaintiff.

THIRTY-SEVENTH DEFENSE

Plaintiff may have failed or refused to exercise reasonable care and diligence to avoid loss and minimize damages and, therefore, may not recover for losses that could have been prevented by reasonable efforts on its part, or by expenditures which might reasonably have been made. Recovery, if any, should therefore be reduced by Plaintiff's failure to mitigate damages, if any.

THIRTY-EIGHTH DEFENSE

Plaintiff's claims are barred or limited by the economic loss rule.

THIRTY-NINTH DEFENSE

Plaintiff's claims are barred or limited by the free public services and/or municipal cost recovery doctrine.

FORTIETH DEFENSE

Plaintiff's claims are barred to the extent they relate to CVS's or other defendants' alleged advertising, public statements, lobbying, or other activities protected by the First Amendment to the Constitution of the United States or by the Constitution of the State of Ohio or that of any other state whose laws may apply.

FORTY-FIRST DEFENSE

The damages which Plaintiff may be entitled to recover if liability is established (which liability is specifically denied) are capped pursuant to Ohio Revised Code §§ 2315.18 and 2315.21.

FORTY-SECOND DEFENSE

Any damages that Plaintiff may recover against CVS must be reduced to the extent that Plaintiff is seeking damages for alleged injuries or expenses related to the same user(s) of the subject prescription medications, or damages recovered or recoverable by other actual or potential plaintiffs.

FORTY-THIRD DEFENSE

Plaintiff's claims are barred to the extent they rely, explicitly or implicitly, on a theory of market-share liability.

FORTY-FOURTH DEFENSE

To the extent Plaintiff attempts to seek equitable relief, Plaintiff is not entitled to such relief because Plaintiff has an adequate remedy at law.

FORTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that they violate the Due Process or Ex Post Facto clauses of the United States or Ohio constitutions to the extent Plaintiff seeks to impose liability retroactively for conduct that was not actionable at the time it occurred.

FORTY-SIXTH DEFENSE

Defendant's rights under the Due Process Clause of the U.S. Constitution and applicable state Constitution or statute are violated by any financial or other arrangement that might distort a government attorney's duty to pursue justice rather than his or her personal interests, financial or otherwise, in the context of a civil enforcement proceeding, including by Plaintiff's use of a contingency fee contract with private counsel.

FORTY-SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that they violate the Dormant Commerce Clause of the United States Constitution.

FORTY-EIGHTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because federal agencies have exclusive or primary jurisdiction over the matters asserted in the Complaint.

FORTY-NINTH DEFENSE

Plaintiff's claims are preempted by federal law, including (without limitation) the federal Controlled Substances Act and the Food, Drug, and Cosmetic Act ("FDCA").

FIFTIETH DEFENSE

CVS's conduct conformed with the FDCA and the requirements of the FDA, and the activities of CVS alleged in the Complaint conformed with all state and federal statutes,

regulations, and industry standards based on the state of knowledge at the relevant time(s) alleged in the Complaint.

FIFTY-FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, by conflict preemption as set forth in the United States Supreme Court's decisions in *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011), and *Mutual Pharm. Co. v. Bartlett*, 133 S. Ct. 2466 (2013).

FIFTY-SECOND DEFENSE

Plaintiff's claims are preempted insofar as they conflict with Congress's purposes and objectives in enacting relevant federal legislation and authorizing regulations, including the Hatch-Waxman Amendments to the FDCA and implementing regulations. *See Geier v. Am. Honda Co.*, 529 U.S. 861 (2000).

FIFTY-THIRD DEFENSE

To the extent Plaintiff asserts claims that depend solely on violations of federal law, including any claims of a "fraud on the FDA" with respect to the manufacturers disclosure of information related to the safety of their medications at issue, such claims are barred and should be dismissed. *See Buckman Co. v. Plaintiffs' Legal Comm.*, 531 U.S. 341 (2001).

FIFTY-FOURTH DEFENSE

To the extent Plaintiff asserts claims that depend solely on violations of federal law, including any claims of "fraud on the DEA" with respect to CVS's compliance with statutes or regulations administered and/or enforced by the DEA, such claims are barred and should be dismissed. *See Buckman Co. v. Plaintiffs' Legal Comm.*, 531 U.S. 341 (2001).

FIFTH-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the deference that common law accords discretionary actions by the FDA under the FDCA and discretionary actions by the DEA under the Controlled Substances Act.

FIFTY-SIXTH DEFENSE

Plaintiff's claims are barred, in whole or in part, for failure to exhaust administrative remedies.

FIFTY-SEVENTH DEFENSE

If Plaintiff incurred the damages alleged, which is expressly denied, CVS is not liable for damages because the methods, standards, or techniques of designing, manufacturing, labeling, and distributing of the prescription medications at issue complied with and were in conformity with the laws and regulations of the Controlled Substances Act, the FDCA, and the generally recognized state of the art in the industry at the time the product was designed, manufactured, labeled, and distributed.

FIFTY-EIGHTH DEFENSE

Plaintiff's claims are barred to the extent they are based on any allegations involving failure to provide adequate warnings or information because all warnings or information that accompanied the allegedly distributed products were approved by the United States Food & Drug Administration for a product approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 *et seq.*), as amended, or Section 351, Public Health Service Act (42 U.S.C. § 262), as amended, or the warnings and information provided were those stated in monographs developed by the United States Food & Drug Administration for pharmaceutical products that may be distributed without an approved new drug application.

FIFTY-NINTH DEFENSE

Plaintiff's claims are barred in whole or in part under the learned intermediary doctrine.

SIXTIETH DEFENSE

CVS did not owe or breach any statutory or common law duty to Plaintiff.

SIXTY-FIRST DEFENSE

CVS appropriately, completely, and fully performed and discharged any and all obligations and legal duties arising out of the matters alleged in the Complaint.

SIXTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, because CVS complied at all relevant times with all applicable laws, including all legal and regulatory duties.

SIXTY-THIRD DEFENSE

To the extent that Plaintiff relies on letters or other informal guidance from the DEA to establish CVS's regulatory duties, such informal guidance cannot enlarge CVS's regulatory duties in the absence of compliance by DEA with the requirements by the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*

SIXTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff has no private right of action under the relevant laws and regulations.

SIXTY-FIFTH DEFENSE

The claims asserted in the Complaint are barred, in whole or in part, by the Restatement (Second) of Torts § 402A, Comments j and k, and Restatement (Third) of Torts: Products Liability § 6.

SIXTY-SIXTH DEFENSE

CVS is not liable for any statements in the manufacturers' branded or unbranded materials.

SIXTY-SEVENTH DEFENSE

Plaintiff's claims are barred in whole or in part, or are subject to other limitations, by the Ohio Product Liability Act, Ohio Revised Code § 2307.71, *et seq.*

SIXTY-EIGHTH DEFENSE

Plaintiff's nuisance claims are barred to the extent that it lacks the statutory authority to bring a nuisance claim under Ohio law or its own applicable county or municipal codes or regulations.

SIXTY-NINTH DEFENSE

Plaintiff's common law and statutory public nuisance claims are barred or limited by the Ohio Products Liability Act.

SEVENTIETH DEFENSE

Plaintiff's claim of public nuisance is barred or limited because no action of CVS involved interference with real property; illegal conduct perpetrated by third parties involving the use of an otherwise legal product does not involve a public right against the distributor sufficient to state a claim for public nuisance; the alleged public nuisance would have impermissible extraterritorial reach; and the alleged conduct of Defendant is too remote from the alleged injury as a matter of law and due process.

SEVENTY-FIRST DEFENSE

Plaintiff's claim for unjust enrichment is barred or limited because CVS did not receive and retain any alleged benefit from Plaintiff.

SEVENTY-SECOND DEFENSE

Plaintiff's claims are barred, reduced, and/or limited pursuant to the applicable Ohio statutory and common law regarding limitations of awards, caps on recovery, and setoffs.

SEVENTY-THIRD DEFENSE

Plaintiff's claims are barred, reduced, and/or limited to the extent that CVS is entitled to a credit or setoff for any and all sums Plaintiff has received in the way of any and all settlements.

SEVENTY-FOURTH DEFENSE

To the extent that Plaintiff is alleging fraud, fraudulent concealment, or similar conduct, Plaintiff has failed to plead fraud with sufficient particularity.

SEVENTY-FIFTH DEFENSE

Plaintiff fails to plead any actionable misrepresentation or omission made by or attributable to CVS.

SEVENTY-SIXTH DEFENSE

Plaintiff's claims are barred in whole or in part because no conduct of CVS was misleading, unfair, or deceptive.

SEVENTY-SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because neither the users, nor their prescribers of the medications distributed by CVS, nor Plaintiff itself, relied to their detriment upon any statement by CVS in determining to use the medications at issue.

SEVENTY-EIGHTH DEFENSE

Plaintiff's claims for punitive or exemplary damages or other civil penalties are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the due process protections afforded by the United States Constitution, the excessive fines

clause of the Eighth Amendment of the United States Constitution, the Full Faith and Credit Clause of the United States Constitution, and applicable provisions of the Constitution of this State or that of any other state whose laws may apply. Any law, statute or other authority purporting to permit the recovery of punitive damages or civil penalties in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient standards to guide and restrain the jury's discretion in determining whether to award punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages or civil penalties; (3) unconstitutionally may permit recovery of punitive damages or civil penalties based on harms to third parties, out-of-state conduct, conduct that complied with applicable law, or conduct that was not directed, or did not proximately cause harm, to Plaintiff (4) unconstitutionally may permit recovery of punitive damages or civil penalties in an amount that is not both reasonable and proportionate to the amount of harm, if any, to Plaintiff and to the amount of compensatory damages, if any; (5) unconstitutionally may permit jury consideration of net worth or other financial information relating to Defendants; (6) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any award of punitive damages or civil penalties; (7) lacks constitutionally sufficient standards for appellate review of any award of punitive damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in nature, without according to Defendants the same procedural protections that are accorded to criminal defendants under the constitutions of the United States, this State, and any other state whose laws may apply; and (9) otherwise fails to satisfy Supreme Court precedent, including, without limitation, *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991); *TXO Production Corp. v. Alliance Resources, Inc.*, 509 U.S. 443 (1993); *BMW of N. Am. v. Gore*, 517 U.S. 559 (1996); *State*

Farm Ins. Co. v. Campbell, 538 U.S. 408 (2003); and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

SEVENTY-NINTH DEFENSE

To the extent that Plaintiff seeks punitive, exemplary, or aggravated damages, any such damages are barred because the product at issue, and its labeling, were subject to and received pre-market approval by the FDA under 52 Stat. 1040, 21 U.S.C. § 301.

EIGHTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks capacity to assert their claims, including claims indirectly maintained on behalf of their citizens and claims brought as *parens patriae*.

EIGHTY-FIRST DEFENSE

CVS followed good faith dispensing practices and its pharmacists properly fulfilled their corresponding responsibility to review prescriptions for indications that they were not issued in the usual course of professional treatment. 21 CFR §1306.04(a). CVS pharmacists did not knowingly fill any prescriptions that they knew were not legitimate.

EIGHTY-SECOND DEFENSE

CVS and its pharmacists reasonably relied upon the prescribers who issued the prescriptions and have the primary "responsibility for the proper prescribing and dispensing of controlled substances." 21 CFR 1306.04(a).

EIGHTY-THIRD DEFENSE

CVS and its pharmacists reasonably relied upon the DEA which set annual national quotas for controlled substances based upon the country's legitimate medical needs and is responsible for the enforcement of the CSA.

EIGHTY-FOURTH DEFENSE

CVS cannot control and is not responsible for what patients do with prescription drugs after they are dispensed by pharmacists. Patients have a duty to use the drugs properly and store them safely.

EIGHTY-FIFTH DEFENSE

Plaintiff's public nuisance claim is precluded by Ohio Rev. Code § 4729.25 and the Ohio Legislature's comprehensive regulation of drugs of abuse.

EIGHTY-SIXTH DEFENSE

Plaintiff's claims for punitive or exemplary damages are barred because CVS has neither acted nor failed to act in a manner that entitles Plaintiff to recover punitive or exemplary damages.

EIGHTY-SEVENTH DEFENSE

Plaintiff cannot obtain relief on its claims based on actions undertaken by CVS of which CVS provided notice of all material facts.

EIGHTY-EIGHTH DEFENSE

CVS is entitled to, and claims the benefit of, all defenses and presumptions set forth in or arising from any rule of law or statute of this State or any other state whose substantive law might control the action.

EIGHTY-NINTH DEFENSE

CVS asserts all applicable defenses under Federal Rules of Civil Procedure 8(c) and 12(b) and/or Ohio Rules of Civil Procedure 8(C) and 12(B), as investigation and discovery proceeds.

NINETIETH DEFENSE

To the extent they are not otherwise incorporated herein, CVS incorporates as a defense the defenses and arguments raised in the motions to dismiss of the Defendants in this case.

NINETY-FIRST DEFENSE

CVS adopts by reference any additional applicable defense pled by any other defendants not otherwise pled herein.

DEMAND FOR JURY TRIAL

CVS hereby demands a jury trial as to all issues or claims for which a jury trial is allowed.

PRAYER FOR RELIEF

CVS prays that (a) judgment be entered dismissing Plaintiff's Complaint with prejudice, and (b) this Court grant it such other relief as it deems just and appropriate including costs and reasonable attorney's fees.

Date: September 21, 2020

Respectfully submitted,

/s/ Eric R. Delinsky
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 21, 2020, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ Eric R. Delinsky
Eric R. Delinsky